



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JUNE 08, 2023

IN THE MATTER OF:

Appeal Board No. 629042

PRESENT: RANDALL T. DOUGLAS, MEMBER

The Department of Labor issued the initial determination holding the claimant ineligible to receive benefits, effective September 26, 2022 through January 8, 2023 on the basis that the claimant did not comply with registration requirements. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant. By decision filed April 20, 2023 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Our review of the record, however, reveals that the case should be remanded to hold a hearing. In the interests of justice, additional testimony and evidence should be taken regarding the claimant's failure to comply with registration requirements effective September 26, 2022, through January 8, 2023. At the remand hearing, the claimant is directed to produce a record of all telephone calls that he made to the Department of Labor from September 26, 2022 through January 8, 2023, via landline and/or cellular telephone. Upon receiving this remand order, the claimant should immediately make a request for his telephone records from his telephone and/or cell phone carriers. If he is unable to obtain these records from the carrier, he should contact the Hearing Section to request a subpoena for such records. The telephone records, and any other

relevant documents shall be sent to the Hearing Section so they are received prior to the hearing. The phone records and any other documents shall be

entered into the record in the usual manner. The Judge shall take further relevant testimony as necessary to complete the record.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue, only, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

RANDALL T. DOUGLAS, MEMBER